

S/N 10/649,841

Atty Dkt No. GP-303056

Remarks

Claims 1-21 are pending in the Application. Claims 1-13 are rejected and claims 14-21 are allowed:

Claim Rejections 35 U.S.C. § 112

The Examiner has rejected claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner explains that:

[i]n claim 1, line 4, it is unclear exactly what the cover members are adapted "to at least partially cover."

Applicants have amended claim 1 to clarify that the:

cover members [are] adapted to cooperate with each other to at least partially cover and at least partially uncover the cargo bay;

Applicants submit that, with this amendment, it is clear that it is the cargo bay that is covered (and uncovered) by the cover members. The cargo bay 14 is shown partially uncovered by the cover members 26, 28, 30 in Figure 1 and covered by the cover members 26, 28, 30 in Figure 2A. These configurations are described in paragraphs [0015] and [0016] of the Specification. Thus, this amendment is supported by the Specification and no new matter has been added in making this amendment.

The Examiner further states that

[o]n line 8, the phrase "the other" infers that only two cover members were recited. It is thought that - the other - should be changed to "another" for clarification.

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Applicants appreciate Examiner's observation. As shown in Figures 1, 2A-2B and 4B, and as explained in paragraph [0015]:

[a] first cover member 26, a second cover member 28 and a third cover member 30 are stacked relative to one another and secured to the vehicle 10 above the cargo bay 14.

Thus, it is clear that the cargo cover storage system described may include more than two cover members. Accordingly, on line 8 of claim 1, "the other" has been changed to "another", per Examiner's suggestion. With the above amendments to claim 1, it is believed that the rejection under 35 U.S.C. § 112, second paragraph of claim 1 and of claims 2-13, which depend therefrom, has been overcome.

The Examiner has rejected claim 1 and claims 3-12 under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. The Examiner explains that:

[t]he cover support portions are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.

Accordingly, claim 1 has been amended to include:

two cover support portions mounted to the vehicle; and

wherein said bracket assemblies and said cover support portions are cooperatively configured to support one of said cover members above another of said cover members

As illustrated in Figure 1, and as described in paragraph [0015]:

[a] right bracket assembly 34 and a right cover support portion 36 secure the second and third cover members 28, 30 to the vehicle 10 in a relatively stacked manner above the first cover member 26. A left bracket assembly

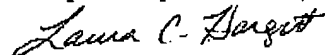
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(not shown) and a left cover support portion (not shown) which are symmetrical, mirror images of the right bracket assembly 34 and the right cover support portion 36, respectively, also secure the second and third cover members 28, 30 to the vehicle 10.

Thus, amended claim 1 is supported by the Specification. Claim 2 is cancelled. With the inclusion of the two cover support portions in claim 1, it is believed that the rejection under Section 112, first paragraph, of claim 1 and of claims 3-12, which depend therefrom, has been overcome.

Respectfully submitted,



Laura C. Hargitt

Reg. 43,989

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